

# **EXHIBIT “A”**

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Attorneys for Plaintiff AND THE PUTATIVE CLASS MEMBERS

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA  
PITTSBURGH DIVISION**

TEJON ADAMS, individually and on behalf of  
all persons similarly situated,

Plaintiff,

v.

EQT ENERGY, INC.

Defendant

Docket No. 2:17-cv-00853-DSC

CLASS ACTION

**DECLARATION OF STEPHANIE  
MOLINA OF ILYM GROUP, INC., IN  
SUPPORT OF MOTION FOR FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

1 I, STEPHANIE MOLINA, declare as follows:

2 1. I am a resident of the United States of America, and am over the age of 18. I am the  
3 Operations Manager for ILYM Group, Inc., (herein after referred to as “ILYM Group”), the  
4 professional settlement services provider who has been retained by the Parties’ Counsel and  
5 subsequently appointed by the Court to serve as the Claims Administrator for the above captioned  
6 *Tejon Adams v. EQT Corporation, Inc.*, matter. I am authorized to make this declaration on behalf  
7 of ILYM Group and myself. I have personal knowledge of the facts herein, and, if called upon to  
8 testify, I could and would testify competently to such facts.

9 2. ILYM Group has extensive experience in administering Class Action Settlements,  
10 including direct mail services, database management, claims processing and settlement fund  
11 distribution services for Class Actions ranging in size from 26 to 4.5 million Class Members.

12 3. ILYM Group was engaged by the Parties’ Counsel and subsequently approved and  
13 appointed by the Court to provide notification services and claims administration, pursuant to the  
14 terms of the Settlement, in the above referenced matter. Duties performed to-date and to be  
15 performed after Final Approval of the Settlement is granted, include: (a) printing and mailing the  
16 *Notice of Class Action Settlement and Claim and Consent to Join Form* (collectively referred to  
17 as a “Notice Packet”); (b) receiving and processing claim forms from the Settlement; (c)  
18 responding to Settlement Class Member inquiries; (d) calculating individual settlement award  
19 amounts; (e) processing and mailing settlement award checks; (f) handling tax withholdings as  
20 required by the Settlement and the law; (g) preparing, issuing and filing tax returns and other  
21 applicable tax forms; (h) handling the distribution of any uncashed settlement award checks; and  
22 (i) performing other tasks as the Parties mutually agree to and/or the Court orders ILYM Group  
23 to perform.

24 4. On August 14, 2018, ILYM Group received the court approved text for the Notice  
25 from Plaintiff’s Counsel. ILYM Group prepared a draft of the formatted Notice Packet, which was  
26 approved by the Parties’ Counsel prior to Mailing.

27 5. On August 23, 2018, ILYM Group received the class data file from Counsel for  
28 Defendant, which contained, among other things, the name, last known address, email address,

1 social security numbers, number of weeks worked during the class period for each Settlement  
2 Class Member. The data file was uploaded to our database and checked for duplicates and other  
3 possible discrepancies. The Class List contained 107 Settlement Class Members.

4 6. On August 28, 2018, ILYM Group received additional data from Counsel for  
5 Defendant, which contained, among other things, the name, last known address and email address  
6 for purposes of mailing of the Notice Packet.

7 7. As part of the preparation for mailing, all 107 names and addresses contained in  
8 the Class List were then processed against the National Change of Address (“NCOA”) database,  
9 maintained by the United States Postal Service (“USPS”), for purposes of updating and confirming  
10 the mailing addresses of the Settlement Class Members before mailing of the Notice Packet. To  
11 the extent that an updated address was found in the NCOA database, the updated address was  
12 utilized for the mailing of the Notice Packet. To the extent that no updated address was found in  
13 the NCOA database, the original address provided by Defendant was utilized for the mailing of  
14 the Notice Packet.

15 8. On August 8, 2018, ILYM Group mailed the Notice Packet, via U.S First Class  
16 Mail, to all 107 Settlement Class Members contained in the Class List. Attached hereto, as **Exhibit**  
17 **A**, is a true and correct copy of the mailed Notice Packet.

18 9. On August 8, 2018, ILYM Group e-mailed the Notice Packet to any Settlement  
19 Class Member who we had a valid email address for.

20 10. On October 19, 2018, ILYM Group mailed and e-mailed a reminder Notice Packet,  
21 via U.S. First Class Mail, to those Class Members who had not submitted a Claim Form or Request  
22 for exclusion as of the date of the reminder mailing.

23 11. As of the date of this declaration, ILYM Group has received 20 Notice Packets  
24 returned to our office as undeliverable. ILYM Group performed a computerized skip trace on all  
25 20 returned Notice Packets in an effort to obtain an updated address for purposes of re-mailing the  
26 Notice. In addition, 2 Settlement Class Members contacted us during the response deadline  
27 requesting that a new Notice Packet be re-mailed to them.

28

12. As a result of this skip trace, 6 updated address were obtained, and the Notice Packets were promptly re-mailed to the Settlement Class Members, via U.S First Class Mail.

13. As of the date of this declaration, 17 Notice Packets have ultimately been deemed undeliverable. Specifically, 14 have been deemed undeliverable as no updated address was found notwithstanding the skip trace and 3 have been deemed undeliverable as they were returned to our office a second time from a re-mailing to an updated address.

14. As of the date of this declaration, a total of 8 Notice Packets have been re-mailed. Specifically, 6 were re-mailed as a result of ILYM's Group's skip tracing efforts, and 2 were re-mailed as a result of a re-mail request by a Settlement Class Member

15. As of the date of this declaration, ILYM Group has not received any Requests for Exclusion. The deadline to submit a Request for Exclusion was November 26, 2018.

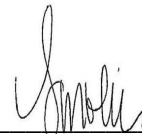
16. As of the date of this declaration, ILYM Group has not received any objections. The deadline to file an objection to the Settlement was November 26, 2018.

17. As of the date of this declaration, ILYM Group will report a total of 56 Participating Class Members, representing 52.34% of the 107 Settlement Class Members. The Net Settlement amount claimed by the 56 Participating Class Members is \$1,182,233.45.

18. Participating Class Members will receive an estimated average payment of \$21,111.31.

19. ILYM Group will incur a total of \$20,000.00 in costs, associated with the administration of this settlement. This will include all costs incurred to date, as well as estimated costs involved in completing the settlement administration.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct to the best of my knowledge and that this Declaration was executed this 14<sup>th</sup> day of December 2018, at Tustin, California.



STEPHANIE MOLINA

\*\*\*TIME-SENSITIVE, COURT AUTHORIZED NOTICE\*\*\*

\*\*\*THIS IS NOT AN ADVERTISEMENT FROM A LAWYER\*\*\*

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA  
PITTSBURGH DIVISION

TEJON ADAMS, individually and on behalf  
of all others similarly situated,

v.

EQT ENERGY, INC.

Case No: 2:17-cv-00853-DSC

Class Action (Fed. R. Civ. P. 23)

Collective Action (29 U.S.C. § 216(b))

**NOTICE OF COLLECTIVE AND CLASS ACTION SETTLEMENT**

TO: «Contact»  
«Address\_1»  
«City» «State» «ZIP\_Code»

**PLEASE READ THIS NOTICE CAREFULLY.**

You received this Notice because you already joined this lawsuit as an Opt-In Plaintiff, or because records show that you are a current or former worker on project(s) for Defendant EQT Corporation (“EQT”) who performed work at any time between June 28, 2014 and August 13, 2018. Because you fit this definition, **you are entitled to receive money from a Settlement in this case, as described below, in the sum of \$<<Insert ESA>>.** If you wish to participate in this settlement, you must return the Claim Form.

All questions or inquiries regarding this Notice and the Settlement should be directed to Class Counsel, Andrew Dunlap, at Josephson Dunlap Law Firm, 11 Greenway Plaza, Suite 3050, Houston Texas 77046 and Bruckner Burch, P.L.L.C., 8 Greenway Plaza, Suite 1500, Houston, Texas 77046, Telephone: (713) 352-1100, Email: [info@mybackwages.com](mailto:info@mybackwages.com).

**1. Why Should You Read This Notice?**

This Notice explains your right to share in the monetary proceeds of this Settlement, exclude yourself (“opt out”) of the Settlement, or object to the Settlement. The United States District Court for the Western District of Pennsylvania has preliminarily approved the Settlement as fair and reasonable. The Court will hold a Final Approval Hearing on December 18, 2018 at 11:00 a.m., before United States District Court Judge David S. Cercone of the United States District Court for the Western District of Pennsylvania, in Courtroom 7A at 700 Grant Street, Pittsburgh, PA 15219.

**2. What Is This Case About? Description of the Action.**

Plaintiff Tejon Adams (“Plaintiff” or “Adams”) alleges that certain workers who performed work for EQT Corporation were not paid the overtime compensation to which they were entitled under the law.

On or about June 28, 2017, Plaintiff filed an action against EQT captioned as Adams, individually and on behalf of all similarly situated v. EQT Corporation, at Civil Action No. 2:17-cv-00853-DSC (the “Action”). Plaintiff alleged that he was only paid a day rate, worked overtime, and he was misclassified as an independent contractor. Plaintiff alleged that because he was an employee, not an independent contractor, he was entitled to unpaid overtime compensation.

EQT denies Plaintiff’s claims but has agreed to the Settlement without any admission of wrongdoing.

On August 13, 2018, the Court preliminarily approved the Settlement as fair and reasonable and authorized that this Notice be sent to you.

### **3. How Much Can I Expect To Receive?**

EQT has agreed to pay Two Million and Eight Hundred Thousand Dollars (\$2,800,000) to settle this Lawsuit. Deductions from this amount will be made for attorneys’ fees and costs for Class Counsel, settlement administration costs that are estimated not to exceed \$20,000.00, and a service award in the amount of \$5,000 to Plaintiff for his service to the Settlement Class. After deductions of these amounts, what remains of the Settlement (the “Net Settlement Amount”) will be available to pay monetary Settlement Awards to all Settlement Class Members who submit Claim Forms within the 75 day opt-in window (“Participating Class Members”).

You share of the settlement has been calculated to be \$<<Insert ESA>>.

All Settlement Class Members are eligible to receive a *pro rata* share of the Net Settlement Amount based on the total number of weeks they worked for EQT beginning June 28, 2014 and August 13, 2018.

Each week will equal one settlement share. The total number of settlement shares for all Settlement Class Members will be added together and the resulting sum will be divided into the Net Settlement Amount to reach a per share dollar figure. That figure will then be multiplied by each Settlement Class Member’s number of settlement shares to determine the Settlement Class Member’s potential Settlement Award.

The Settlement Administrator will deduct applicable employee payroll taxes and withholdings from the Settlement Awards as set forth in the Settlement Agreement.

If you submit a claim form within the 75 day opt-in window, you will receive a Settlement Award. You will have 180 days to cash your check that will be sent to you by the Settlement Administrator. If at the conclusion of the 180-day check void period, there are any uncashed checks, the monies will be returned to EQT.

In exchange for completing your Claim Form and obtaining your Settlement Award, each Participating Class Member has agreed to the following release of claims:

any and all claims, obligations, demands, actions, rights, causes of action and liabilities, whether known or unknown, against Releasees that were or could have been asserted in the Action based on allegations of unpaid wages, overtime compensation, liquidated or other damages, unpaid costs, restitution or other compensation or relief arising under the FLSA, Pennsylvania and Ohio state wage and hour laws, or Pennsylvania and Ohio state common law claims (including unjust enrichment or quantum meruit), in accordance with the respective Class Periods, in weeks when the individual worked for any Releasee.

If you do not submit a Claim Form, do not object, and you worked for EQT in Pennsylvania, by way of the Court's Order granting Class Certification and its ability to extinguish the claims of Non-Participating Class Members, the following claims will be dismissed with prejudice:

any and all claims, obligations, demands, actions, rights, causes of action and liabilities, whether known or unknown, against Releasees that were or could have been asserted in the Action based on allegations of unpaid wages, overtime compensation, liquidated or other damages, unpaid costs, restitution or other compensation or relief arising under Pennsylvania state wage and hour laws, or Pennsylvania state common law claims (including unjust enrichment or quantum meruit), in accordance with the respective Class Period, in any week when the individual worked for any Releasee

**It is your responsibility to keep a current address on file with the Settlement Administrator to ensure receipt of your monetary Settlement Award. If you fail to keep your address current, you may not receive your Settlement Award.**

#### **4. What Are My Rights?**

- Receive a Settlement Award: Return a fully executed Claim Form within 75 days.
- Opt-Out and Reject a Settlement Award: If you are a member of the Settlement Class and do not wish to be bound by the Settlement, and do not wish to receive a payment, you must submit a written exclusion from the Settlement ("opt-out"), postmarked by November 26, 2018. The written request for exclusion must contain your full name, address, telephone number, email address (if applicable) and must be signed individually by you. No opt-out request may be made on behalf of a group. The opt-out request must be sent by mail to the Settlement Administrator at: P.O. Box 2031, Tustin, CA 92781. **Any person who requests exclusion (opts out) of the settlement will not be entitled to any Settlement Award and will not be bound by the Settlement Agreement or have any right to object, appeal or comment thereon.**
- Object: If you received this Notice and wish to object to the Settlement, you must submit an objection stating the factual and legal grounds for your objection to the settlement. Your objection must state your full name, address, telephone number, and email address (if applicable), and must be signed by you. Any objection must be mailed to:

Andrew Dunlap  
**JOSEPHSON DUNLAP LAW FIRM**  
11 Greenway Plaza  
Suite 3050  
Houston Texas 77046

Christian Antkowiak  
**BUCHANAN INGERSOLL & ROONEY, P.C.**  
One Oxford Centre  
301 Grant Street, 20<sup>th</sup> Floor  
Pittsburgh, PA 15219-1410

If you submit a written objection, you may also, if you wish, appear at the Final Approval Hearing to discuss your objection with the Court and the parties to the Lawsuit. Your written objection must state whether you will attend the Final Approval Hearing, and your written notice of your intention to appear at the Final Approval Hearing must be filed with the Court and served upon Class Counsel and Defendant's Counsel on or before the Notice Deadline. If you wish to object to the Settlement but fail to return your timely written objection in the manner specified above, you shall be deemed to have waived any objection and shall be foreclosed from making any objection (whether by appeal or otherwise) to the Settlement. The postmark date of mailing to Class Counsel and Defendants' Counsel shall be the exclusive means for determining that an objection is timely mailed to counsel. If the Court overrules your objection, you will be included in the settlement and receive your share of the Settlement.



**5. Can EQT Retaliate Against Me for Participating in this Lawsuit?**

No. Your decision as to whether or not to participate in this Settlement will in no way affect your work for EQT, whether you are a current or future employee. In fact, EQT encourages you to participate in this Settlement to receive your share of the Net Settlement Amount.

**6. Who Are the Attorneys Representing Plaintiffs and the Settlement Class?**

Plaintiffs and the Settlement Class are represented by the following attorneys acting as Class Counsel:

Andrew Dunlap	Rex Burch
Josephson Dunlap Law Firm	Bruckner Burch, P.L.L.C.
11 Greenway Plaza	8 Greenway Plaza
Suite 3050	Suite 1500
Houston Texas 77046	Houston, Texas 77046
Phone: 1-888-992-2990	Phone: 713-877-8788
Email: <a href="mailto:Info@mybackwages.com">Info@mybackwages.com</a>	Email: <a href="mailto:frontdesk@brucknerburch.com">frontdesk@brucknerburch.com</a>

**7. How Will the Attorneys for the Settlement Class Be Paid?**

You do not have to pay the attorneys who represent the Settlement Class. The Settlement Agreement provides that Class Counsel will receive attorneys' fees of one-third (1/3) of the gross settlement amount plus their out-of-pocket costs.

**8. Additional Information**

**IF YOU NEED MORE INFORMATION OR HAVE ANY QUESTIONS**, you may contact Class Counsel as listed above or the Settlement Administrator, ILYM Group, Inc., at the toll-free telephone number listed or by email listed below. Please refer to the EQT Settlement.

Attn: EQT Overtime Settlement  
ILYM Group, Inc.  
P.O. Box 2031  
Tustin, CA 92781  
Telephone Number: (888) 250-6810  
Fax Number: (888) 845-6185  
Email Address: [claims@ilymgrouplegalsaction.com](mailto:claims@ilymgrouplegalsaction.com)

This Notice only summarizes the Lawsuit, the Settlement and related matters. For more information, you may inspect the Court files at the Office of the Clerk, United States District Court located 700 Grant Street, Pittsburgh, PA 15219, from 8:30 a.m. to 4:30 p.m., Monday through Friday.

**THIS SETTLEMENT NOTICE IS AUTHORIZED BY UNITED STATES DISTRICT COURT  
JUDGE DAVID S. CERCONE PLEASE DO NOT CONTACT THE COURT REGARDING THIS  
NOTICE.**

**CLAIM AND CONSENT TO JOIN SETTLEMENT FORM**

Printed Name: \_\_\_\_\_

1. I hereby consent join the class and collective action lawsuit filed against EQT Energy, Inc., to pursue my claims of unpaid overtime during the time that I worked with the company.
2. I understand that this lawsuit is brought under the Fair Labor Standards Act and Pennsylvania state wage and hour laws, and I consent to be bound by the Court's decision.
3. I designate the law firms and attorneys at JOSEPHSON DUNLAP, BRUCKNER BURCH PLLC, and GOODRICH & GEIST, P.C. as my attorneys to prosecute my wage claims.
4. I consent to having Plaintiffs and Plaintiffs' Counsel make all decisions regarding the litigation, including all decisions regarding settlement or trial, the terms of settlement and release of claims, and agreements regarding attorney fees and costs.
5. I understand I am releasing by claims against EQT and the staffing companies through which I worked for my time at EQT in exchange for \$<<Insert Settlement Amount>>.

Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**Please print or type the following information, which will be kept confidential:**

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Home Telephone Number

\_\_\_\_\_  
Cell Phone Number

\_\_\_\_\_  
E-mail Address

\_\_\_\_\_  
Social Security Number

**RETURN THIS FORM BY MAIL, EMAIL, OR FAX TO:**

EQT Overtime Settlement  
ILYM Group, Inc.  
P.O. Box 2031  
Tustin, CA 92781  
Telephone Number: (888) 250-6810  
Fax Number: (888) 845-6185  
Email Address: [claims@ilymgroupclassaction.com](mailto:claims@ilymgroupclassaction.com)

**CLAIM FORM DUE: NOVEMBER 26, 2018**